

PATENT APPLN. NO. 10/600,571  
RESPONSE UNDER 37 C.F.R. § 1.116

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REMARKS

Claim 17 has been amended to include the limitations of claim 23 and claim 23 has been canceled. Specifically, claim 17 has been amended to limit the exhaust-gas temperature of the exhaust gas in the second exhaust gas state to the range of 200°C to 350°C at the inlet to the catalyst.

The claims as amended are patentable under 35 U.S.C. § 103(a) over the combination of Katoh et al., U.S. Patent No. 5,402,641 ("Katoh"), and Ozawa et al., U.S. Patent No. 5,075,276 ("Ozawa"), which combination is used in the Final Action to reject the claims of the application.

In Katoh, the exhaust-gas low temperature range is disclosed only as being not higher than 500°C. No range of possible low exhaust-gas temperatures is disclosed, explicitly or inherently, in Katoh. On the other hand, in the present invention as recited in amended claim 17, the lean burning combustion range, which is an exhaust-gas low-temperature range, is divided under a condition of not being higher than 350°C.

Therefore, the invention as recited in amended claim 17 of the present application differs in exhaust-gas condition from the invention of Katoh. Katoh nowhere discloses forming an exhaust gas in a second exhaust-gas state having an exhaust-gas temperature as

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low as 350°C (or lower) and then contacting the exhaust gas in the second exhaust gas state with the catalyst to purify the second exhaust gas and the Office has provided no rationale as to why it would have been obvious to form an exhaust gas in a second exhaust-gas state having an exhaust-gas temperature in a range as low as 200°C to 350°C.

In the Final Action the Office alleges that Katoh discloses an exhaust-gas temperature in a second exhaust-gas state that ranges from 200°C to 350°C. (See page 5, lines 3-5 from the bottom, of the Final Action). The Office provides no support for this position.

If the Office maintains a position that Katoh discloses a process for purifying exhaust gas from a gasoline engine of a fuel-direct-injection type as recited in claim 17 which includes a step of forming an exhaust-gas in a second exhaust-gas state having an exhaust-gas temperature that ranges from 200°C to 350°C. and then contacting the exhaust gas in this second exhaust gas state with an exhaust gas purifying catalyst, the Office is requested to explain and identify the support in Katoh for its position.

Removal of the 35 U.S.C. § 103(a) rejection of the claims and a notice of allowability of the application

The foregoing is believed to be a complete and proper response

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to the Office Action dated June 10, 2009, and is believed to place this application in condition for allowance.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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